

HEALTH OVERVIEW & SCRUTINY PANEL

MINUTES OF THE MEETING of the Health Overview & Scrutiny Panel held on Tuesday, 16 December 2014 at 9.30 am at the The Executive Meeting Room - Third Floor, The Guildhall

Present

Councillor David Horne (Chair)
Councillor Steve Hastings
Councillor Hannah Hockaday
Councillor Lynne Stagg
Councillor Dorothy Denston, East Hampshire District Council
Councillor Peter Edgar, Gosport Borough Council
Councillor Keith Evans, Fareham Borough Council

1. Welcome and Apologies for Absence (AI 1)

Apologies for absence had been received from Councillor Mike Read and Councillor Gwen Blackett.

2. Declarations of Members' Interests (AI 2)

Councillor Edgar declared a personal interest as he is an appointed governor of PHT Council of Governors.

3. Minutes of the Previous Meeting (AI 3)

RESOLVED that the minutes of the meeting held on 4 November be agreed as a correct record.

4. Better Care Fund. Deprivation of Liberty Safeguards and the Care Act 2014 (AI 4)

Rob Watt, Head of Adult Social Care introduced this item and said that the presentation today followed on from the panels meeting in October where a summary of the Care Act, Better Care Fund and Deprivation of Liberty Safeguards was given. The Department for Health want to ensure that all elected members are involved in these areas. Mr Watt introduced the other officers present: Angela Dryer (Assistant Head of Social Care), Gerard Whiteman (Finance Manager) and Paul Mitchell (Business Analyst) who would be presenting some of the slides and answering questions.

The Care Act 2014

Mr Watt showed the Panel a short video clip that introduced the Care Act. This explained that the old system was confusing and hard to manage and advised that the new Act provides a clearer and fairer system. Mr Watt and

the other officers present then gave a presentation to the panel, which would be published on the council's website shortly after the meeting.

At various points during the presentation, members were given the opportunity to ask questions, and the following points were clarified:

- The aim was to provide an online information and advice service by January 2015. This would be aligned with Healthwatch and was progressing however further promotion was needed.
- Due to the changes to the eligibility criteria it was anticipated that 2000 new carers would come forward in 2015.
- With regard to personal budgets, an example was given that if an LA gave £200 a week to a carer and they used this to employ a personal assistant, as an employee they are responsible for tax and National Insurance which would come out of the £200. If they bring in an agency to provide the care they do not have a responsibility as the agency is the employer. The LA has brought in a payroll company to help with this process.
- With regard to patients with mental health issues, some have relatives who managed their direct payments which the Care Act allows for.
- Review mechanisms are in place. The new pre-paid cards are being monitored more closely and there have only been a couple of occurrences of people abusing the system. The cards are designed to give people more flexibility.
- Councillor Denston said she had been made aware of some care groups who employ someone to visit elderly people for 30 minutes however often the travel time is included in this and therefore 30 minutes is not spent with the elderly person. Officers advised that if this is the case this should be reported and this would be picked up with the ICU and the contracts team. There is an amount of money in the city and the service should be provided as per the contract.
- In early 2015 the team would be looking at managed accounts where the money is deposited with a third party and this is designed for people who need assistance but do not have relatives to help them. The model for this will be considered and it was expected this would be in place during June/July 2015. People will be offered the direct pay however if they do not wish to have this it is not a requirement.
- The LA is responsible for overseeing these payments however it is no different to what has previously been the case; the only difference is that it is up to the individual how they wish to use the money.
- The LA has a statutory responsibility to ensure engagement with HMRC. The individuals are required to send their timesheets to the Payroll team who will work out the amount of tax with the HMRC. Therefore this should be less complex than previously.
- If a carer is looking after a number of individuals they become self-employed and the client will be responsible for paying the invoice.
- There are a suite of tools to help people for example an online calculator and there is a team of direct support workers in place to assist. However this will make an increasing workload for the LA. There are currently 2,500 cases and approximately 300 staff who are dealing with cases directly.
- If any individual does not go about the process correctly the HMRC will follow up with people if they have not sent their returns back and their direct payment will be stopped however their care will continue.

- The financial assessment is based on income and there is a sliding scale on the contribution the individual must pay. Therefore the more wealthy a person, the more they are required to contribute.
- The LA has a duty to ensure that needs are met and there was an important piece of work taking place around this at the moment.
- Councillor Edgar referred to the Short Breaks Scheme at Hampshire County Council which is being reviewed to provide a fairer scheme. Officers advised that at Portsmouth the scheme is not currently being reviewed as there has been good support from the CCG. Break services had been developed for carers where they were given a one off £50 award initially. This had now been reduced to £25 due to the demand and this is provided on the pre-paid cards.
- Portsmouth City Council is part of the SHIP (Southampton, Hampshire, Isle of Wight and Portsmouth) group on the Care Act and it was important to share best practice and learn from others.
- The LA cannot give financial advice but guidance only and will advise on the best way for the individual to get the best value for money.
- If a family decides that they will not pay for the care costs the Council will need to decide whether to pursue through the courts.
- Under the new Act customers will benefit as they have more rights, however local authorities will be worse off due to a loss in income and an increased workload. The government has advised that it will fund the difference.

Deprivation of Liberty Safeguards

- Mr Watt advised that the deprivation of Liberty Safeguards had been in place for a while and protects people's rights from actions that would be unlawful.
- It has been applied where people have dementia and assessments are taken to see whether patients are at risk to see whether they are allowed to leave. If it is felt that it is not in the patients interest would have to take out a deprivation of liberty.
- Previously 7 assessments a month, now at least 70 a month which had increased work load significantly and was a major cost pressure for the LA.
- In the Cheshire West case earlier this year, a judge ruled that all people in those environments including those who may not actively attempt to leave but would potentially be prevented from doing so, should also be assessed.

What Next towards implementation

Mr Mitchell explained that the following steps were due to take place:

- Need to consider the need for consultation on the Care Act.
- Consultation to take place with Healthwatch .
- Need to look at regional and national guidance.
- This is a big cultural change and how to bring the changes in line needed to be considered. All relevant staff would need to be trained and a different training plan would be needed for each team.
- The Department of Health thought that the Council was in a good position locally.
-

RESOLVED

That the panel noted the presentation. Copies of the presentation slides and the link to the video clip would be circulated to the panel members.

The meeting ended at 11.05 am.

.....
Councillor David Horne
Chair